

AMENDED IN SENATE MAY 1, 2006  
AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1778**

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**Introduced by Senator Alarcon**

February 24, 2006

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An act to amend Section 41781.3 of, ~~and to add Section 41781.4 to,~~ the Public Resources Code, and to repeal Section 1 of Chapter 978 of the Statutes of 1996, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1778, as amended, Alarcon. Solid waste: alternative daily cover; compost.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, from landfill disposal or transformation through source reduction, recycling, and composting activities, except as specified. Existing law provides that the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, is diversion and not disposal for purposes of that requirement.

This bill would instead require ~~that~~, if the alternative daily cover is comprised of woody and green material, as the bill would define that term, that material not to be considered as being diverted and to be

included in the amount of solid waste that is subject to disposal for purposes of the diversion requirements of the act, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would require the board to develop a schedule for excluding solid waste that is used as an alternative daily cover and comprised of woody and green material from being included in meeting the diversion requirements of the act. The bill would require the board, on or before January 1, 2010, to adopt or revise regulations that establish conditions for the use of alternative daily cover, as specified. *The bill would prohibit the schedule from commencing prior to the board's adoption or revision of those regulations.*

~~The bill would require the board to establish a market development credit adjustment factor, that would enable a jurisdiction to adjust its diversion rate by adding a diversion point, or a part of a diversion point, to its diversion rate for the purchase of compost. The bill would require the board to establish a schedule to credit a jurisdiction with a diversion rate adjustment based on the number of tons of compost used by a jurisdiction in a reporting year, as specified.~~

The bill also would repeal legislative findings pertaining to diversion, landfill cover materials, and green materials.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Californians create nearly 2,900 pounds, or *nearly* one and
- 4 one-half tons, of household garbage and industrial waste each
- 5 and every second, which is a total of 45 million tons of waste per
- 6 year.

1 (b) Until recently, the only place to put that trash was in local  
2 landfills. Today, however, waste and its byproducts are being  
3 recycled into more useful products.

4 (c) At the present time, the amount of green materials  
5 generated in California is in excess of the quantity that existing  
6 markets can absorb. It is thus in the interests of the state to  
7 encourage the expansion of markets for green materials.

8 (d) It is the intent of the Legislature that the California  
9 Integrated Waste Management Board, and other state agencies,  
10 continue their efforts to promote the expansion of compost and  
11 other markets.

12 SEC. 2. Section 41781.3 of the Public Resources Code is  
13 amended to read:

14 41781.3. (a) (1) The use of solid waste for beneficial reuse  
15 in the construction and operation of a solid waste landfill,  
16 including the use of alternative daily cover that is not comprised  
17 of woody and green material and that reduces or eliminates the  
18 amount of solid waste being disposed, for purposes of Section  
19 40124, shall constitute diversion through recycling and shall not  
20 be considered disposal for the purposes of this division.

21 (2) If the alternative daily cover is comprised of woody and  
22 green material, that material shall not be considered as being  
23 diverted, as defined in Section 40124, and shall be included in  
24 determining the amount of solid waste that is subject to disposal  
25 for purposes of this division, in accordance with a schedule  
26 adopted pursuant to subdivision (b).

27 (b) The board shall adopt a schedule for excluding solid waste  
28 that is used as an alternative daily cover and is comprised of  
29 woody and green material from being included in meeting the  
30 diversion requirements of this division. *The schedule shall not*  
31 *commence prior to adoption or revision of regulations pursuant*  
32 *to subdivision (c).*

33 (c) On or before January 1, 2010, the board shall adopt or  
34 revise regulations that establish conditions for the use of  
35 alternative daily cover that are consistent with this division. In  
36 adopting or revising the regulations, the board shall consider, but  
37 is not limited to, all of the following criteria:

38 (1) Those conditions established in past policies adopted by  
39 the board affecting the use of alternative daily cover.

(2) Those conditions necessary to provide for the continued economic development, economic viability, and employment opportunities provided by the composting industry in the state.

(3) Those performance standards and limitations on maximum functional thickness necessary to ensure protection of public health and safety consistent with state minimum standards.

(d) In adopting regulations pursuant to this section, Section 40124, and this division, including, but not limited to, Part 2 (commencing with Section 40900), the board shall provide guidance to local enforcement agencies on any conditions and restrictions on the utilization of alternative daily cover so as to ensure proper enforcement of those rules and regulations.

(e) For the purposes of this section, “woody and green material” means plant material that is either separated at the point of generation or separated at a centralized facility that employs methods to minimize contamination. Woody and green material includes, but is not limited to, yard trimmings, untreated wood waste, paper products, and natural fiber products. Woody and green material does not include treated wood waste, mixed demolition or mixed construction debris, or manure and plant waste from the food processing industry, alone or blended with soil. Woody and green material may include varying proportions of wood waste from urban and other sources.

~~SEC. 3. Section 41781.4 is added to the Public Resources Code, to read:~~

~~41781.4. The board shall adopt regulations to establish a market development credit adjustment factor. The market development credit shall enable a jurisdiction to adjust its diversion rate by adding diversion points, or a part of a diversion point, to its diversion rate for the purchase of compost. The board shall establish a schedule to credit a jurisdiction with a diversion rate adjustment based on the number of tons of compost used by a jurisdiction in a reporting year. In developing the schedule, the board shall consider, among other things, whether the compost is locally produced.~~

~~SEC. 4.~~

~~SEC. 3. Section 1 of Chapter 978 of the Statutes of 1996 is repealed.~~

1     ~~SEC. 5.~~

2     *SEC. 4.* No reimbursement is required by this act pursuant to  
3     Section 6 of Article XIII B of the California Constitution because  
4     a local agency or school district has the authority to levy service  
5     charges, fees, or assessments sufficient to pay for the program or  
6     level of service mandated by this act, within the meaning of  
7     Section 17556 of the Government Code.

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